

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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NICOLE BARONE,

*Petitioner,*

v.

WELLS FARGO BANK N.A.,

*Respondent.*

\_\_\_\_\_

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR  
A WRIT OF CERTIORARI TO THE FLORIDA SUPREME COURT**

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Nicole Barone  
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Lighthouse Point, FL 33074  
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*Pro Se Petitioner*

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To the Honorable John G. Roberts, Jr., Chief Justice of the United States:

Pursuant to Rules 13.5 and 30 of this Court, *Pro Se* Petitioner Nicole Barone respectfully requests a 60-day extension of time to file a petition for a writ of certiorari in this matter, to and including Monday April 30<sup>th</sup>, 2018, as the 60<sup>th</sup> day would land on a weekend. The FL Supreme Court issued its order on November 29<sup>th</sup>, 2017 (attached at App. A1), denying jurisdiction over the Florida Fourth District Court of Appeals non-opinioned order issued on October 26<sup>th</sup>, 2017 (attached at App. B1). Unless extended, the time for filing a petition for writ of certiorari will expire on February 27<sup>th</sup>, 2018. This Court's jurisdiction would be under 28 U.S.C. § 1257(a).

In support of this motion, Petitioner states as follows:

1. Petitioner is a mother of three minor children and a breast cancer survivor on disability, and litigating Wells Fargo, *Pro Se*. Her spouse has two other *Pro Se* litigations against Wells Fargo, federal RICO (*See Barone v. Wells Fargo*

*Bank N.A.*, 16-16079-CC, 16-cv-60960-WPD) and state RICO (See *Barone v. Wells Fargo Bank N.A.*, CACE15021684, 4<sup>th</sup> DCA 4D17-2531). This foreclosure and numerous wrongful acts by Wells Fargo since assuming them as customers a decade ago, led to filing these cases. Wells Fargo's wrongful acts, unethical evasion and concealment continue. It utilizes a prestigious firm to handle all 3 litigations against the *Pro Se* Barone's, including this action. These issues and jurisdiction questions of great public importance, led Mrs. Barone to seek justice in this Court.

The Barone's moved to vacate judgement they were manipulated into through misrepresented facts that utilized an extension to file for HAMP and assertions that the foreclosure judge would not hear their defenses. This included Wells Fargo unlawfully withdrawing money from their bank account without consent, which they believe was part of a larger scheme to generate income for Wells Fargo, that has yet to be uncovered. This occurred in the infamous Rocket Docket era when thousands of cases were closed daily with little regard for Due Process. Wells Fargo initially concealed this act forcing them to file a fraud complaint that it has not substantiated if it ever properly filed with federal authorities including the FDIC, OCC or the Federal Reserve. This forced them to close a free account, open a new one and additional savings accounts to help avoid monthly fees. This increased Wells Fargo's coveted accounts per customer ratio which drove its unauthorized accounts scheme, in which they were additionally violated with an unauthorized credit card filing.

Wells Fargo deliberately violated federal bankruptcy procedure by filing a motion to cancel a foreclosure sale, set a hearing and forcing Mrs. Barone in front of

the Court, after the clerk cancelled the sale. The Court ignored the Barone's arguments and granted the moot motion, so Wells Fargo could reset a sale date without following procedure. Judge Lazarus, who's numerous questionable acts are outlined in the RICO cases, erred in denying the motion to vacate judgement by excusing away this blatant violation as "sloppy legal work." Moreover, the Barone's were not given an opportunity to have their clarification motion heard, which requested direction on the jurisdiction of Wells Fargo prior to and post judgement.

Due to the avoidance of the federal jurisdiction questions and the unwillingness to enforce federal law and constitutional violations, Mrs. Barone filed for removal to the District Court. After she filed notice, the clerk, Lazarus and Wells Fargo deliberately violated 28 U.S.C. § 1446 by forcing the Barone's to file a moot motion to cancel the sale and go in front of the Court while under Federal Court jurisdiction. Lazarus denied the moot motion and ordered the clerk to unlawfully sell their property. More disturbing, the District Court surprisingly found it necessary to put aside its docket to remand the case the next day, however, this occurred after the wrongful hearing, order and unlawful sale were orchestrated. The Barone's paid for the removal and the 800 or so pages that were attached, and a reasonable person would surely question if a full and proper review was conducted.

The Barone's appealed the denied orders to vacate judgement and sanctions and unlawful foreclosure sale in violation of § 1446. The 4<sup>th</sup> DCA questionably advised that the orders were not final and ordered to show cause for the sale cancelation order. This gave Mrs. Barone 10 days to file a response to show cause and an

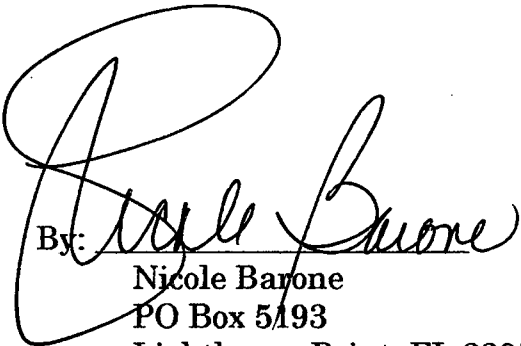
additional 5 days to submit the initial brief. The foreclosure sale cancelation order was dismissed from the appeal, and the trial Court's order was later affirmed without rendering a substantive opinion. Wells Fargo's foreclosure standing was challenged under holdings of this Court and FL Supreme Court, due process violations, and federal law and Constitution, as it is agent for the government's sole financial benefit in Total Control of Fannie Mae. Mrs. Barone appealed to the FL Supreme Court who later dismissed for lack of jurisdiction of a non-opinioned order of the 4<sup>th</sup> DCA.

2. This case presents issues of significant importance that affect all Americans. First, this Court would get the chance to address the overhanging issue of the government's self-serving seizure of Fannie Mae rendering it a *de facto* State-actor in practical reality and would render jurisdiction of its foreclosures to the Federal Court under Article III, Amendment IV and Amendment V of the Constitution, and 28 U.S.C. § 1345. Additionally, whether Wells Fargo as acting agent/servicer for the taxpayers' direct benefit should be held to federal jurisdiction. This Court could address the misapplication by other Courts of its "practical reality" holding in *Dept. of Transportation v. Assoc. of American Railroads*, 135 S. Ct. 1225 (2015) when applied to Fannie Mae's *de facto* State-actor status. Next, this Court could address the serious issue of Wells Fargo and servicers lacking standing to foreclose as third party non-owners of the notes in defiance of this Court's "*real party in interest*" holding in *Valley Forge Christian Coll. v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 474 (1982), the FL Supreme Court's long-held doctrine *Smith v. Kleiser*, 91 Fla. 84 (Fla. 1926) ("*In a suit to*

*foreclose a mortgage...it should be in the name of the real owner of the debt secured.”*), the Real-Party-In-Interest-Doctrine, Fed. R. Civ. P. Rule 17 and the required parties of Rule 19. This would render millions of foreclosures unlawful and judgements Void. Additionally, this Court could address the state Courts judicial responsibility to abide by 28 U.S.C. § 1446 stay of action in the same manner as a bankruptcy stay. This Court could address the long-overdue issues of the false misrepresentations and handling of the government’s HAMP modification program that has wreaked havoc on the housing industry and led to irreparable harm and loss for millions of American homeowners and their families. Lastly, the Court could directly address Wells Fargo’s unconscionable scandals in defrauding millions of its customers.

3. Due to Mrs. Barone being on disability and circumstances beyond her control, including her 15-month long ordeal with not receiving her tax refund, which began as a still unsubstantiated alleged identity theft, she needs time to cover the costs involved in filing in this Court. The identity theft issue would not be in her family’s best interest to file in forma pauperis and have their private information available to the public. After months of misinformation, representatives have no reason for their refund sitting in limbo and have advised this is not normal. This issue and others including deleted social media posts and problems with receiving mail at their PO box, did not occur until Mr. Barone filed his RICO complaints. For these reasons, Mrs. Barone requires more time to prepare and cover the costs of her petition, and therefore requests an additional 60 days to prepare her petition for these matters of great importance and allow for resolution of their tax refund issue.

Dated: February 15<sup>th</sup>, 2018

By: 

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